



Policy Title: Beneficiary Rights to Opt Out of Data Sharing			
Department Responsible: Compliance and Integrity	Policy Number: 1.80	THN's Effective Date: April 10, 2017	Next Review/Revision Date: April 2018
Title of Person Responsible: Compliance Officer	THN Approval Council: Compliance and Integrity Committee	Date Approved: April 10, 2017	Date Approved by THN Board of Managers August 22, 2017

PURPOSE: The purpose of this guidance is to protect the rights of NGACO Beneficiary's right to opt out of data sharing.

DEFINITIONS:

Term	Definition
ACO Participant	An entity identified by a Medicare-enrolled billing TIN through which one or more ACO providers/suppliers bill Medicare, that alone or together with one or more other ACO participants compose an ACO, and that is included on the list of ACO participants that is required under 42 C.F.R. § 425.118.
ACO Provider/Supplier	An individual or entity that: (1) is a provider or supplier under Medicare regulations; (2) is enrolled in Medicare; (3) bills for items and services furnished to Medicare fee-for-service beneficiaries during the agreement period under a Medicare billing number assigned to the TIN of an ACO participant; and (4) is included on the list of ACO providers/suppliers that is required under 42 C.F.R. § 425.118.
Beneficiary	Individual who is enrolled in Medicare.

POLICY:

The ACO shall provide Next Generation Beneficiaries who inquire about and wish to modify their preferences regarding claims data sharing for care coordination and quality improvement purposes with information about how to modify their data sharing preferences via 1-800-MEDICARE. Even if a Next Generation Beneficiary has elected to decline claims data sharing, CMS may still engage in certain limited data sharing for quality improvement purposes

PROCEDURE:

If a Beneficiary inquiries about or wishes to modify their preferences regarding claims data sharing for care coordination and quality improvement purposes, THN Workforce Members should:

1. Provide the CMS number, 1-800-MEDICARE, to the Beneficiary.
2. The ACO shall allow Next Generation Beneficiaries to reverse a data sharing preference at any time by calling 1-800-MEDICARE.
3. CMS will maintain the data sharing preferences of Beneficiaries who elect to decline data sharing in this Model, the MSSP, or the Pioneer ACO Model.



4. The ACO may affirmatively contact a Next Generation Beneficiary who has elected to decline claims data sharing no more than one time in a given Performance Year to provide information regarding data sharing. Such contact includes mailings, phone calls, electronic communications, or other methods of communicating with Next Generation Beneficiaries outside of a clinical setting.
5. In the event a Next Generation Professional is terminated from the ACO for any reason, if that departing Next Generation Professional is the sole Next Generation Professional in the ACO to have submitted claims for a particular Next Generation Beneficiary during the 12-month period prior to the effective date of the termination, CMS will administratively opt the Next Generation Beneficiary out of all claims data-sharing under this Section VI within 30 days of the effective date of the termination, unless—
 - a. The Next Generation Beneficiary affirmatively consents to continued data sharing of such claims with the ACO through an authorization that meets the requirements under 45 CFR 164.508(b); or
 - b. The Next Generation Beneficiary has become the patient of another Next Generation Professional participating in the ACO.
6. ACO shall receive claims data regarding substance abuse treatment *only if the Next Generation Beneficiary has not elected to decline data sharing or otherwise been opted out of data sharing and has also submitted a CMS-approved form pursuant to Section VI.E of this Agreement.*
7. CMS will administratively opt a Next Generation Beneficiary back into such claims data sharing if they were administratively opted out of data sharing solely due to the termination of a Next Generation Professional within the given ACO, unless the NGACO Beneficiary affirmatively opts out of data sharing.

REFERENCE DOCUMENTS/LINKS:

- Next Generation ACO Model Participation Agreement 2017 (First Amended and Restated Participation Agreement for 2016 Starters), Section VI, Beneficiary Rights to Opt Out of Data Sharing, subsection D.1-7, Pages 31-32.

PREVIOUS REVISION/REVIEW DATES:

Date	Reviewed	Revised	Notes
May 23, 2017	N/A	N/A	New Policy

